

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALLIANCE OPHTHALMOLOGY, PLLC;
DALLAS RETINA CENTER, PLLC;
TEXAS EYE AND CATARACT, PLLC;
AND HOFACRE OPTOMETRIC
CORPORATION, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

ECL GROUP, LLC; ECL HOLDINGS,
LLC; EYE CARE LEADERS HOLDINGS,
LLC; EYE CARE LEADERS PORTFOLIO
HOLDINGS, LLC; INTEGRITY EMR,
LLC; INTEGRITY EMR HOLDINGS, LLC;
ALTA BILLING, LLC; AND ALTA
BILLING HOLDINGS, LLC,

Defendants.

1:22-CV-00296

KIMBERLY FARLEY, CHAD
FORRESTER, AND KIMBERLY
SANDVIG, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

EYE CARE LEADERS HOLDINGS, LLC,

Defendant.

1:22-CV-00468

**DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING IMPLEMENTATION
AND ADEQUACY OF NOTICE PLAN**

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice and have served as an expert in hundreds of federal and state cases involving class action notice plans.

DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING IMPLEMENTATION AND
ADEQUACY OF NOTICE PLAN

3. I am a Senior Vice President of Epiq Class Action and Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications, a firm that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft Notifications is a business unit of Epiq.

4. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq.

OVERVIEW

5. This declaration describes the implementation of the Notice Plan (“Notice Plan”) and Class Notices (“Notices”) for *Alliance Ophthalmology, PLLC et al v. ECL Group, LLC*, Case No. 1:22-cv-00296 and *Farley v. Eye Care Leaders Holdings, LLC*, Case No. 1:22-cv-00468 in the United States District Court for the Middle District of North Carolina. I previously executed my *Declaration of Cameron R. Azari, Esq. Regarding Notice Plan* (“Notice Plan Declaration”) on September 5, 2023, which described the Notice Plan, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s *curriculum vitae*. I also provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice plans.

CAFA NOTICE

6. On August 7, 2023, Epiq sent 57 CAFA Notice Packages (“CAFA Notice”) as required by the federal Class Action Fairness Act of 2005 (CAFA), 28 U.S.C. § 1715. The CAFA Notice was sent via United States Postal Service (“USPS”) Certified Mail to 55 officials, which included the Attorneys General of 49 states, the District of Columbia, and the United States Territories. Per the direction of the Office of the Nevada Attorney General, the CAFA Notice was sent to the Nevada Attorney General electronically via email. The CAFA Notice was also sent via United Parcel Service (“UPS”) to the Attorney General of the United States. Details regarding the CAFA Notice mailing are provided in the *Declaration of Kyle S. Bingham on Implementation of CAFA Notice*, dated August 7, 2023, which is included as **Attachment 1**.

NOTICE PLAN DETAIL

7. In the Court's *Order* dated August 23, 2023, the Court appointed Epiq as the Settlement Administrator and approved the following Patient Settlement Class and Physician Settlement Class ("Settlement Classes") defined as:

Patient Settlement Class

[A]ll individuals residing in the United States whose Personally Identifiable Information or Protected Health Information was compromised in the Data Breaches affecting one or more Defendants, including all persons who received notice about the Data Breaches.

Physician Settlement Class

"iMedicWare Class" means all persons and entities who contracted with one or more Defendants for EMR management services using the iMedicWare software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons.

"myCare Integrity Class" means all persons and entities who contracted with one or more Defendants—and received services from Integrity EMR, LLC and Integrity Holdings, LLC—for EMR management services using the myCare Integrity software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons.

"MVE Class" means all persons and entities who contracted with one or more Defendants for EMR management services using the MVE software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons.

"Revenue Cycle Management Class" means all persons and entities who contracted with one or more Defendants—and received services from Alta Billing, LLC and Alta Billing Holdings, LLC—for revenue cycle management services who have received delinquent revenue cycle services for any period of time since January 1, 2019 and/or whose transaction information was potentially compromised from ransomware attacks or any other reasons.

8. Subsequently, in the Court's *Order* dated October 17, 2023, the Court approved the Notice Plan and reaffirmed the appointment of Epiq as the Settlement Administrator.

9. Federal Rule of Civil Procedure, Rule 23 directs that notice must be "the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort" and that "the notice may be by one or more of the following:

United States mail, electronic means, or other appropriate means.”¹ The Notice Plan as implemented satisfied these requirements.

10. This declaration details the notice activities undertaken to date and explains how and why the Notice Plan was the best notice practicable. This declaration also discusses the administration activity to date.

NOTICE PLAN

Individual Notice

11. In October 2023, Epiq received 69 data files of different sizes, formats, and data points, containing approximately 60 million rows of data, as a raw extraction of the data from various ECL systems. Since processing the various types and volumes of files would have resulted in significant additional costs, requiring more time and resources than receiving two files as was originally planned, Epiq worked with counsel for the parties to request and obtain replacement data files for Settlement Class Member records.

12. In mid-November 2023, Epiq received replacement data files containing approximately 60 million rows of data - it appeared to be the same data, but in separate tabs and files. Due to the tight timeline to provide Notice to Settlement Class Members, Epiq moved forward and used the replacement data and performed extensive data cleanup and deduplication. Epiq deduplicated and rolled-up the records and loaded the unique, identified potential Settlement Class Member records into its database. These efforts resulted in 4,629,204 identified potential Patient Settlement Class Member records with a valid email address who were sent a Patient Email Notice (no mailing addresses were included for any potential Patient Settlement Class records in the data received by Epiq).

13. Subsequently, on December 11, 2023, Epiq received one data file containing 22,991 rows of data with additional identified potential Physician Settlement Class Members. This data was combined with the mid-November 2023 data received by Epiq for the identified potential

¹ Fed. R. Civ. P. 23(c)(2)(B).

Physician Settlement Class Members. Epiq deduplicated and rolled-up the records and loaded the unique, identified potential Physician Settlement Class Member records into its database.

14. These efforts resulted in 12,310 valid email addresses for 8,696 identified potential Physician Settlement Class Members who were sent a Physician Email Notice (many of the identified potential Physician Settlement Class Members included more than one valid email address). Of these records, there were 1,062 identified potential Physician Settlement Class Member records for whom the Email Notice was undeliverable after multiple attempts. Of those, there were 479 identified potential Physician Settlement Class Member records with an associated physical address who were sent a Postcard Notice via USPS first class mail. The Notices clearly described the case and the legal rights of the Settlement Class Members. In addition, the Notices directed the recipients to a Settlement Website for additional information.

Individual Notice – Email

15. Commencing on November 16, 2023, Epiq began sending 4,629,204 Patient Email Notices to the identified potential Patient Settlement Class Members. From December 6, 2023, to December 16, 2023, Epiq sent 12,310 Physician Email Notices to the identified potential Physician Settlement Class Members with a valid email address.

16. The following industry standard best practices were followed for the email notice efforts. The Email Notices were drafted in such a way that the subject line, the sender, and the body of the message would overcome SPAM filters and ensure readership to the fullest extent reasonably practicable. For instance, the Email Notice used an embedded html text format. This format provided easy to read text without graphics, tables, images, attachments, and other elements that would have increased the likelihood that the message would have been blocked by Internet Service Providers (ISPs) and/or SPAM filters. The Email Notices were sent from an IP address known to major email providers as one not used to send bulk “SPAM” or “junk” email blasts. Each Email Notice was transmitted with a digital signature to the header and content of the Email Notice, which allowed ISPs to programmatically authenticate that the Email Notices were from authorized mail servers. Each Email Notice was also transmitted with a unique message identifier.

The Email Notices included an embedded link to the settlement website. By clicking the link, recipients were able to access the Long Form Notice, Settlement Agreement, and other information about the Settlement. The Patient Email Notice is included as **Attachment 2**. The Physician Email Notice is included as **Attachment 3**.

17. If the receiving email server could not deliver the message, a “bounce code” was returned along with the unique message identifier. For any Email Notice for which a bounce code was received indicating that the message was undeliverable for reasons such as an inactive or disabled account, the recipient’s mailbox was full, technical autoreplies, etc., at least two additional attempts were made to deliver the Notice by email.

Individual Notice – Direct Mail

18. On January 12, 2024, Epiq sent 479 Postcard Notices to all identified potential Physician Settlement Class Members with an associated physical address for whom a valid email address was either not available, or for whom the Physician Email Notice was undeliverable after multiple attempts. The Postcard Notice was sent via USPS first-class mail. The Postcard Notice clearly and concisely summarized the case and the legal rights of the Settlement Class Members. In addition, the Postcard Notice also directed the recipients to the Settlement Website for additional information. The Postcard Notice is included as **Attachment 4**.

19. Prior to sending the Postcard Notice, all mailing addresses were checked against the National Change of Address (“NCOA”) database maintained by the USPS to ensure all address information was up-to-date and accurately formatted for mailing.² In addition, the addresses were certified via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code and verified through Delivery Point Validation (“DPV”) to verify the accuracy of the addresses.

² The NCOA database is maintained by the USPS and consists of approximately 160 million permanent change-of-address (COA) records consisting of names and addresses of individuals, families, and businesses who have filed a change-of-address with the Postal Service™. The address information is maintained on the database for 48 months and reduces undeliverable mail by providing the most current address information, including standardized and delivery-point-coded addresses, for matches made to the NCOA file for individual, family, and business moves.

This address updating process is standard for the industry and for the majority of promotional mailings that occur today.

20. The return address on the Postcard Notices is a post office box that Epiq maintains for this case. The USPS automatically forwards Postcard Notices with an available forwarding address order that has not expired (“Postal Forwards”). Postcard Notices returned as undeliverable are re-mailed to any new address available through USPS information, (for example, to the address provided by the USPS on returned mail pieces for which the automatic forwarding order had expired, but was still within the time period in which the USPS returns the piece with the address indicated), or to better addresses that are found using a third-party address lookup service. As of May 28, 2024, Notice via email and/or mail was delivered to 8,113 of the 8,696 unique identified potential Physician Settlement Class Members.

21. Additionally, a Long Form Notice and Patient Claim Form (“Patient Claim Package”) or a Long Form Notice and Physician Claim Form (“Physician Claim Package”) was mailed to all persons who requested one via the toll-free telephone number or other means. The Long Form Notice is included as **Attachment 5**. The Patient Claim Form is included as **Attachment 6**. The Physician Claim Form is included as **Attachment 7**.

Supplemental Media Plan Summary

Internet Digital Notice Campaign

22. Internet advertising has become a standard component in legal notice programs. The internet has proven to be an efficient and cost-effective method to target class members as part of providing notice of a class action case.

23. The Notice Plan included targeted digital advertising on the selected advertising network such as *Google Display Network*, which represents thousands of digital properties across all major content categories. Digital Notices targeted selected target audiences and were designed to encourage participation by members of the class—by linking directly to the Settlement Website, allowing visitors easy access to relevant information and documents.

24. Digital Notices were also placed on the social media sites such as *Facebook* and *Instagram*, along with *Twitter* and *Reddit*. The *Facebook*, *Instagram*, *Twitter*, and *Reddit* internet Digital Notices were distributed to a variety of target audiences, including those relevant to an individual's demonstrated interests and/or likes.

25. *Facebook* is the leading social networking site in the United States with 179.6 million users and *Instagram* has 120 million active users in the United States.³

26. *Twitter* is a popular microblogging social media website that allows posts/tweets containing images or videos and up to 280 characters. Users can like, comment, and share/retweet posts. Twitter has over 76.9 million users in the United States.⁴

27. *Reddit* is a widely used social forum website that contains more than one million communities known as subreddits. These communities cover specific topics making this an ideal platform to reach individuals with focused interests. *Reddit* has over 38 million users in the United States.⁵

28. The Digital Notices were distributed to a variety of target audiences, including those relevant to individuals' demonstrated interests and/or likes. All Digital Notices appeared on desktop, mobile, and tablet devices. Digital Notices on *Google Display Network*, *Facebook*, *Instagram*, *Twitter*, and *Reddit* were targeted Nationwide. Digital Notices were also targeted (remarketed) to people who click on a Digital Notice.

29. Details regarding the target audiences, distribution, and specific ad size of the Digital Notices and the number of delivered impressions are included in the following table.

³ Statista Digital 2023: Global Overview Report. Statista, founded in 2007, is a leading provider of worldwide market and consumer data and is trusted by thousands of companies around the world for data. Statista.com consolidates statistical data on over 80,000 topics from more than 22,500 sources and makes it available in German, English, French and Spanish.

⁴ <https://www.statista.com/statistics/242606/number-of-active-twitter-users-in-selected-countries/>.

⁵ <https://www.statista.com/statistics/1018997/number-of-reddit-users-usa/>.

| <i>Network/Property</i> | <i>Target</i> | <i>Ad Size</i> | <i>Delivered Impressions</i> |
|-------------------------------|--|------------------------------------|------------------------------|
| <i>Google Display Network</i> | Affinity Audience ⁶ : Eyeglasses | 728x90, 300x250, 300x600 & 970x250 | 5,067,804 |
| <i>Google Display Network</i> | Intent Audience ⁷ : Eyeglasses | 728x90, 300x250, 300x600 & 970x250 | 4,859,657 |
| <i>Google Display Network</i> | Affinity Audience: Corrective Lenses | 728x90, 300x250, 300x600 & 970x250 | 4,755,583 |
| <i>Google Display Network</i> | Intent Audience: Corrective Lenses | 728x90, 300x250, 300x600 & 970x250 | 4,663,073 |
| <i>Google Display Network</i> | Affinity Audience: Contact Lenses | 728x90, 300x250, 300x600 & 970x250 | 4,978,185 |
| <i>Google Display Network</i> | Intent Audience: Contact Lenses | 728x90, 300x250, 300x600 & 970x250 | 4,585,018 |
| <i>Facebook</i> | Interest: Eyeglasses | Newsfeed & Right Hand Column | 5,914,549 |
| <i>Facebook</i> | Interest: Contact Lenses | Newsfeed & Right Hand Column | 5,708,287 |
| <i>Facebook</i> | Interest: Visual Impairment | Newsfeed & Right Hand Column | 5,565,623 |
| <i>Instagram</i> | Interest: Eyeglasses | Newsfeed | 3,937,973 |
| <i>Instagram</i> | Interest: Contact Lenses | Newsfeed | 3,890,233 |
| <i>Instagram</i> | Interest: Visual Impairment | Newsfeed | 3,815,712 |
| <i>Twitter</i> | Post Engagement Targeting: Eyeglasses | Feed Ads | 3,195,887 |
| <i>Twitter</i> | Post Engagement Targeting: Contact Lenses | Feed Ads | 3,184,520 |
| <i>Twitter</i> | Post Engagement Targeting: Corrective Lenses | Feed Ads | 3,091,694 |
| <i>Reddit</i> | r/glasses r/contacts | Reddit Feed Ads | 4,239,521 |
| TOTAL | | | 71,453,319 |

30. Combined, more than 71.4 million impressions were generated by the Digital Notices.⁸ The internet advertising campaign ran from November 16, 2023, through December 15,

⁶ Custom Affinity Audiences allow Digital Notices to be targeted to specific websites, keywords, and/or content that our target may be viewing.

⁷ Custom Intent Audiences allow Digital Notices to be targeted to specific individuals who have searched and/or researched certain items on the web.

⁸ The third-party ad management platform, ClickCease, was used to audit Digital Notice ad placements. This type of platform tracks all Digital Notice ad clicks to provide real-time ad

2023. Clicking on the Digital Notices linked the readers to the Settlement Website, where the readers could easily obtain detailed information about the case. Examples of the Digital Notices are included as **Attachment 8**.

Settlement Website

31. On November 16, 2023, Epiq established a dedicated website for the Settlement with an easy to remember domain name (www.ECLSettlement.com). Relevant documents, including the Long Form Notice, Settlement Agreement, the Preliminary Approval Order, Claim Form, Motion for Final Approval of the Settlement, Motion for Fee Application and Class Service Award Application, and other case-related documents are posted on the Settlement Website. In addition, the Settlement Website includes relevant dates, answers to frequently asked questions (“FAQs”), instructions for how Settlement Class Members could object to the Settlement, contact information for the Settlement Administrator, and how to obtain other case-related information. Settlement Class Members are also able to file a Claim Form on the Settlement Website. The Settlement Website address was prominently displayed in all notice documents. As of May 28, 2024, there have been 44,405 unique visitor sessions to the settlement website, and 106,329 web pages have been presented.

Toll-Free Telephone Number

32. On November 16, 2023, Epiq established a toll-free telephone number (1-877-328-5803) for the Settlement. Callers are able to hear an introductory message and also have the option to learn more about the Settlement in the form of recorded answers to FAQs, and to request that a Patient Claim Package or Physician Claim Package be mailed to them. The automated phone system is available 24 hours per day, 7 days per week. The toll-free telephone number was prominently displayed in all notice documents. As of May 28, 2024, the toll-free telephone number has handled 1,541 calls to the toll-free telephone number representing 4,035 minutes of use.

monitoring, fraud traffic analysis, blocks clicks from fraudulent sources, and quarantines dangerous IP addresses. This helped reduce wasted, fraudulent or otherwise invalid traffic (e.g., ads being seen by ‘bots’ or non-humans, ads not being viewable, etc.).

33. A postal mailing address was established and continues to be available to allow Settlement Class Members the opportunity to request additional information or ask questions.

Objections

34. The deadline to object to the Settlement was January 15, 2024. This deadline was extended to May 24, 2024, for Physician Settlement Class Members that were sent a Postcard Notice to ensure they had sufficient time to object to the Settlement. As of May 28, 2024, I am aware of no objections to the Settlement.

Claim Submission & Distribution

35. The deadline for Settlement Class Members to file a claim is July 24, 2024. As of May 28, 2024, Epiq has received 9,101 Claim Forms (8,047 online and 1,054 paper). Of the 9,101 total Claim Forms, there are 8,902 Patient Claim Forms (7,988 online and 914 paper), and 199 Physician Claim Forms (59 online and 140 paper). Since the July 24, 2024, claim filing deadline has not yet passed, these numbers are preliminary. By that deadline, I expect additional Claim Forms will be filed by Settlement Class Members. As standard practice, Epiq is in the process of conducting a complete review and audit of all Claim Forms received. There is a likelihood that after detailed review, the total number of Claim Forms received will change due to duplicate and denied Claim Forms.

CONCLUSION

36. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by federal and local rules and statutes, and further by case law pertaining to notice. This framework directs that the notice plan be optimized to reach the greatest practicable number of class members and, in a settlement class action notice situation such as this, that the notice or notice plan itself not limit knowledge of the availability of benefits—nor the ability to exercise other options—to class members in any way. All of these requirements were met in this case.

37. The Notice Plan included individual notice sent to millions of identified potential Settlement Class Members. The individual notice efforts were supplemented with a

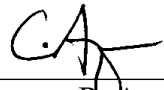
comprehensive online media plan that delivered more than 70 million online impressions specifically targeted to likely Settlement Class Members. Combined, the Notice Plan elements provided the best notice practicable.

38. The Notice Plan also followed the guidance for satisfying due process obligations that a notice expert gleans from the United States Supreme Court’s seminal decisions, which emphasize the need: (a) to endeavor to actually inform the Settlement Class, and (b) to ensure that notice is reasonably calculated to do so:

- a) “But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it,” *Mullane v. Central Hanover Trust*, 339 U.S. 306, 315 (1950).
- b) “[N]otice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections,” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) citing *Mullane* at 314.

39. The Notice Plan provided the best notice practicable under the circumstances of this case, conformed to all aspects of Federal Rule of Civil Procedure 23, comported with the guidance for effective notice articulated in the Manual for Complex Litigation 4th Ed and FJC guidance, and met the requirements of due process, including its “desire to actually inform” requirement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 28, 2024.



Cameron R. Azari, Esq.

Attachment 1

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALLIANCE OPHTHALMOLOGY, PLLC;
DALLAS RETINA CENTER, PLLC;
TEXAS EYE AND CATARACT, PLLC;
AND HOFACRE OPTOMETRIC
CORPORATION, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

ECL GROUP, LLC; ECL HOLDINGS,
LLC; EYE CARE LEADERS HOLDINGS,
LLC; EYE CARE LEADERS PORTFOLIO
HOLDINGS, LLC; INTEGRITY EMR,
LLC; INTEGRITY EMR HOLDINGS,
LLC; ALTA BILLING, LLC; AND ALTA
BILLING HOLDINGS, LLC,

Defendants.

1:22-CV-00296-LCB-JLW

KIMBERLY FARLEY, CHAD
FORRESTER AND KIMBERLY
SANDVIG, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

EYE CARE LEADERS HOLDINGS, LLC,

Defendant.

1:22-CV-00468-CCE-JLW

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

I, KYLE S. BINGHAM, hereby declare and state as follows:

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

1. My name is KYLE S. BINGHAM. I am over the age of 25 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am the Director of Legal Noticing for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans. I have overseen and handled Class Action Fairness Act (“CAFA”) notice mailings for more than 400 class action settlements.

3. Epiq is a firm with more than 25 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service (“USPS”), claims database management, claim adjudication, funds management and distribution services.

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

CAFA NOTICE IMPLEMENTATION

5. At the direction of counsel for Defendants ECL Group, LLC, ECL Holdings, LLC, Eye Care Leaders Holdings, LLC, Eye Care Leaders Portfolio Holdings, LLC, Integrity EMR, LLC, Integrity Holdings, LLC, Alta Billing, LLC, and Alta Billing Holdings, LLC., 57 federal and state officials (the Attorney General of the United States and the Attorneys General of each of the 50 states, the District of Columbia, and the United States Territories) were identified to receive CAFA notice.

6. Epiq maintains a list of these federal and state officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the names and addresses selected

from Epiq's list were verified, then run through the Coding Accuracy Support System ("CASS") maintained by the United States Postal Service ("USPS").¹

7. On August 7, 2023, Epiq sent 57 CAFA Notice Packages ("Notice"). The Notice was mailed via USPS Certified Mail to 55 officials (the Attorneys General of 49 states, the District of Columbia, and the United States Territories). As per the direction of the Office of the Nevada Attorney General, the Notice was sent to the Nevada Attorney General electronically via email. The Notice was also sent via United Parcel Service ("UPS") to the Attorney General of the United States. The CAFA Notice Service List (USPS Certified Mail, Email, and UPS) is included as **Attachment 1**.

8. The materials sent to the federal and state officials included a Cover Letter, which provided notice of the proposed Settlement of the above-captioned case. The Cover Letter is included as **Attachment 2**.

9. The cover letter was accompanied by a CD, which included the following:

- a. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**
 - a. Alliance Class Action Complaint (filed April 15, 2022) and related materials;
 - b. Sandvig Class Action Complaint (filed June 10, 2022) and related materials;
 - c. Farley Class Action Complaint (filed June 21, 2022) and related materials;
 - d. Alliance First Amended Class Action Complaint (filed June 29, 2022);

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

- e. Forrester Class Action Complaint (filed July 1, 2022) and related materials;
 - f. Solomon Class Action Complaint (filed July 8, 2022) and related materials;
 - g. Bryers Class Action Complaint (filed August 2, 2022) and related materials;
 - h. Farley, Forrester, and Sandvig Consolidated Class Action Complaint (filed October 26, 2022); and
 - i. Alliance Second Amended Class Action Complaint (filed May 1, 2023).
- b. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents were included:
- Class Action Settlement Agreement;
 - Joint Motion for Preliminary Certification of Settlement Class and Preliminary Approval of Class Action Settlement; and
 - Memorandum in Support of Joint Motion for Approval of Settlement and Preliminary Approval of Class Action Settlement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 7, 2023.


KYLE S. BINGHAM

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

Attachment 1

CAFA Notice Service List
USPS Certified Mail

| Company | FullName | Address1 | Address2 | City | State | Zip |
|--|--|---|---------------------------------|----------------|-------|-------|
| Office of the Attorney General | Treg Taylor | 1031 W 4th Ave | Suite 200 | Anchorage | AK | 99501 |
| Office of the Attorney General | Steve Marshall | 501 Washington Ave | | Montgomery | AL | 36104 |
| Office of the Attorney General | Tim Griffin | 323 Center St | Suite 200 | Little Rock | AR | 72201 |
| Office of the Attorney General | Kris Mayes | 2005 N Central Ave | | Phoenix | AZ | 85004 |
| Office of the Attorney General | CAFA Coordinator | Consumer Protection Section | 455 Golden Gate Ave Suite 11000 | San Francisco | CA | 94102 |
| Office of the Attorney General | Phil Weiser | Ralph L Carr Colorado Judicial Center | 1300 Broadway Fl 10 | Denver | CO | 80203 |
| Office of the Attorney General | William Tong | 165 Capitol Ave | | Hartford | CT | 06106 |
| Office of the Attorney General | Brian Schwalb | 400 6th St NW | | Washington | DC | 20001 |
| Office of the Attorney General | Kathy Jennings | Carvel State Bldg | 820 N French St | Wilmington | DE | 19801 |
| Office of the Attorney General | Ashley Moody | State of Florida | The Capitol PL-01 | Tallahassee | FL | 32399 |
| Office of the Attorney General | Chris Carr | 40 Capitol Square SW | | Atlanta | GA | 30334 |
| Department of the Attorney General | Anne E Lopez | 425 Queen St | | Honolulu | HI | 96813 |
| Iowa Attorney General | Brenna Bird | Hoover State Office Building | 1305 E Walnut St | Des Moines | IA | 50319 |
| Office of the Attorney General | Raul Labrador | 700 W Jefferson St Ste 210 | PO Box 83720 | Boise | ID | 83720 |
| Office of the Attorney General | Kwame Raoul | 100 W Randolph St | | Chicago | IL | 60601 |
| Office of the Indiana Attorney General | Todd Rokita | Indiana Government Center South | 302 W Washington St Rm 5 | Indianapolis | IN | 46204 |
| Office of the Attorney General | Kris Kobach | 120 SW 10th Ave 2nd Fl | | Topeka | KS | 66612 |
| Office of the Attorney General | Daniel Cameron | 700 Capitol Ave Suite 118 | | Frankfort | KY | 40601 |
| Office of the Attorney General | Jeff Landry | PO Box 94005 | | Baton Rouge | LA | 70804 |
| Office of the Attorney General | Andrea Campbell | 1 Ashburton Pl 20th Fl | | Boston | MA | 02108 |
| Office of the Attorney General | Anthony G Brown | 200 St Paul Pl | | Baltimore | MD | 21202 |
| Office of the Attorney General | Aaron Frey | 6 State House Station | | Augusta | ME | 04333 |
| Department of Attorney General | Dana Nessel | PO BOX 30212 | | Lansing | MI | 48909 |
| Office of the Attorney General | Keith Ellison | 445 Minnesota St Ste 1400 | | St Paul | MN | 55101 |
| Missouri Attorney General's Office | Andrew Bailey | 207 West High Street | PO Box 899 | Jefferson City | MO | 65102 |
| Mississippi Attorney General | Lynn Fitch | PO Box 220 | | Jackson | MS | 39205 |
| Office of the Attorney General | Austin Knudsen | 215 N Sanders 3rd Fl | PO Box 201401 | Helena | MT | 59620 |
| Attorney General's Office | Josh Stein | 9001 Mail Service Ctr | | Raleigh | NC | 27699 |
| Office of the Attorney General | Drew H Wrigley | 600 E Boulevard Ave Dept 125 | | Bismarck | ND | 58505 |
| Nebraska Attorney General | Mike Hilgers | 2115 State Capitol | PO Box 98920 | Lincoln | NE | 68509 |
| Office of the Attorney General | John Formella | NH Department of Justice | 33 Capitol St | Concord | NH | 03301 |
| Office of the Attorney General | Matthew J Platkin | 25 Market Street | PO Box 080 | Trenton | NJ | 08625 |
| Office of the Attorney General | Raul Torrez | 408 Galileo St | Villagra Bldg | Santa Fe | NM | 87501 |
| Office of the Attorney General | CAFA Coordinator | 28 Liberty Street 15th Floor | | New York | NY | 10005 |
| Office of the Attorney General | Dave Yost | 30 E Broad St Fl 14 | | Columbus | OH | 43215 |
| Office of the Attorney General | Genther Drummond | 313 NE 21st St | | Oklahoma City | OK | 73105 |
| Office of the Attorney General | Ellen F Rosenblum | Oregon Department of Justice | 1162 Court St NE | Salem | OR | 97301 |
| Office of the Attorney General | Michelle A. Henry | 16th Fl Strawberry Square | | Harrisburg | PA | 17120 |
| Office of the Attorney General | Peter F Neronha | 150 S Main St | | Providence | RI | 02903 |
| Office of the Attorney General | Alan Wilson | PO Box 11549 | | Columbia | SC | 29211 |
| Office of the Attorney General | Marty Jackley | 1302 E Hwy 14 Ste 1 | | Pierre | SD | 57501 |
| Office of the Attorney General | Jonathan Skrametti | PO Box 20207 | | Nashville | TN | 37202 |
| Office of the Attorney General | Ken Paxton | PO Box 12548 | | Austin | TX | 78711 |
| Office of the Attorney General | Sean D Reyes | PO Box 142320 | | Salt Lake City | UT | 84114 |
| Office of the Attorney General | Jason S Miyares | 202 N 9th St | | Richmond | VA | 23219 |
| Office of the Attorney General | Charity R Clark | 109 State St | | Montpelier | VT | 05609 |
| Office of the Attorney General | Bob Ferguson | 800 5th Ave Ste 2000 | | Seattle | WA | 98104 |
| Office of the Attorney General | Josh Kaul | PO Box 7857 | | Madison | WI | 53707 |
| Office of the Attorney General | Patrick Morrisey | State Capitol Complex Bldg 1 Room E 26 | 1900 Kanawha Blvd E | Charleston | WV | 25305 |
| Office of the Attorney General | Bridget Hill | 109 State Capital | | Cheyenne | WY | 82002 |
| Department of Legal Affairs | Fainu'ulei Falefatu Ala'ilima-Utu | American Samoa Gov't Exec Ofc Bldg Utulei | Territory of American Samoa | Pago Pago | AS | 96799 |
| Attorney General Office of Guam | Douglas Moylan | Administrative Division | 590 S Marine Corps Dr Ste 901 | Tamuning | GU | 96913 |
| Office of the Attorney General | Edward Manibusan | Administration Bldg | PO Box 10007 | Saipan | MP | 96950 |
| PR Department of Justice | Domingo Emanuelli Hernandez | PO Box 9020192 | | San Juan | PR | 00902 |
| Department of Justice | Ariel K Smith | 3438 Kronprindsens Gade Ste 2 | GERS BLDG | St Thomas | VI | 00802 |

CAFA Notice Service List
Email

| Company | Contact Format | State |
|---|--|-------|
| Office of the Attorney General for Nevada | All documents sent to NV AG at their dedicated CAFA email inbox. | NV |

CAFA Notice Service List**UPS**

| Company | FullName | Address1 | Address2 | City | State | Zip |
|--------------------------|--------------------|-------------------------|----------|------------|-------|-------|
| US Department of Justice | Merrick B. Garland | 950 Pennsylvania Ave NW | | Washington | DC | 20530 |

Attachment 2

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

August 7, 2023

VIA UPS OR USPS CERTIFIED MAIL

Class Action Fairness Act – Notice to Federal and State Officials

Dear Federal and State Officials:

Pursuant to the Class Action Fairness Act of 2005 (“CAFA”), codified at 28 U.S.C. § 1715, please find enclosed information from Defendants ECL Group, LLC, ECL Holdings, LLC, Eye Care Leaders Holdings, LLC, Eye Care Leaders Portfolio Holdings, LLC, Integrity EMR, LLC, Integrity Holdings, LLC, Alta Billing, LLC, and Alta Billing Holdings, LLC relating to the proposed settlement of a class action lawsuit.

- **Cases:** *Farley v. Eye Care Leaders Holdings*, Case No. 1:22-CV-00468-CCE-JLW and *Alliance Ophthalmology, PLLC v. ECL Group, LLC*, Case No. 1:22-CV-00296-LCB-JLW.
- **Court:** United States District Court for the Middle District of North Carolina.
- **Defendants:** ECL Group, LLC, ECL Holdings, LLC, Eye Care Leaders Holdings, LLC, Eye Care Leaders Portfolio Holdings, LLC, Integrity EMR, LLC, Integrity Holdings, LLC, Alta Billing, LLC, and Alta Billing Holdings, LLC.
- **Documents Enclosed:** In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD:

1. Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:

- a. Alliance Class Action Complaint (filed April 15, 2022) and related materials;
- b. Sandvig Class Action Complaint (filed June 10, 2022) and related materials;
- c. Farley Class Action Complaint (filed June 21, 2022) and related materials;
- d. Alliance First Amended Class Action Complaint (filed June 29, 2022);
- e. Forrester Class Action Complaint (filed July 1, 2022) and related materials;
- f. Solomon Class Action Complaint (filed July 8, 2022) and related materials;
- g. Bryers Class Action Complaint (filed August 2, 2022) and related materials;
- h. Farley, Forrester, and Sandvig Consolidated Class Action Complaint (filed October 26, 2022); and
- i. Alliance Second Amended Class Action Complaint (filed May 1, 2023).

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

2. **Per 28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** The Court has scheduled a preliminary approval hearing for August 16, 2023.
3. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Prior to the Court's resolution of the Joint Motion for Preliminary Certification of Settlement Class and Preliminary Approval of Class Action Settlement and any hearing on same, the parties will submit a proposed notice plan, including the proposed Long Form Notice, website information, and other notice-related information.
4. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents are included:
 - Class Action Settlement Agreement;
 - Joint Motion for Preliminary Certification of Settlement Class and Preliminary Approval of Class Action Settlement; and
 - Memorandum in Support of Joint Motion for Approval of Settlement and Preliminary Approval of Class Action Settlement.
5. **Per 28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreements:** There are no other Settlements or Agreements between the parties.
6. **Per 28 U.S.C. § 1715(b)(6) – Final Judgment or Notice of Dismissal:** To date, the Court has not issued a final order, judgment or dismissal in the above-referenced action.
7. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** At this time, the defendant does not know and cannot feasibly determine the names of the class members residing in each state, and therefore cannot feasibly estimate the proportionate share of the claims of such members to the entire settlement pursuant to 28 U.S.C. §1715(b)(7)(A) and (B).
8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** To date, the Court has not issued a final order or judgment in the above-referenced action.

If you have questions or concerns about this notice or the enclosed materials, please contact this office.

Sincerely,

CAFA Notice Administrator

Enclosures

Attachment 2

[Click here](#) to view this message in a browser window.

If you were a patient of a physician or eyecare clinic associated with ECL Group, LLC, and affiliated entities, you could be entitled to a payment from a class action settlement.

A court has authorized this Notice. This is not a solicitation from a lawyer.

Unique ID: [REDACTED]

A settlement has been reached resolving class action lawsuits claiming that ECL Group, LLC, and affiliated entities (collectively, "ECL"), a record-keeping vendor for top-rated eye care clinics across the country, lost control over millions of patients' highly sensitive personal information for a period of months during a series of ransomware attacks (collectively, the "Data Breach"), and that ECL suffered service outages as a result of the ransomware attacks, which impacted eyecare physicians who relied on ECL for access to their patient data.

You are receiving this notice because you may be a Patient Settlement Class Member. The Patient Settlement Class includes all individuals residing in the United States whose Personally Identifiable Information or Protected Health Information was compromised in the Data Breaches affecting one or more Defendants, including all persons who received notice about the Data Breaches.

What does the Settlement Provide? If you are a member of the Patient Settlement Class, you will be able to file a claim for documented out-of-pocket expenses incurred because of the Data Breaches, up to \$5,000. Whether or not you have incurred out-of-pocket expenses, you can file a Claim for a cash payment, with the amount of payment depending on the number of Valid Claims received. The claims will be paid from the "Patient Settlement Fund" of at least \$2,616,783, to be funded by Defendants' insurance policies.

Members of the Patient Settlement Class have also agreed to release any claims against their eye care providers related to the Data Breach.

Your Options. Every member of the Patient Settlement Class has the right to submit a Claim for a Settlement Benefit. Members of the Patient Settlement Class must file a timely and valid Claim for out-of-pocket reimbursement and/or a Cash Payment. Your Claim Form must be filed with the Settlement Administrator, postmarked or submitted online on or before **11:59 pm on March 14, 2024**. Claim Forms may be filed online at www.ECLSettlement.com or printed from the Settlement Website and mailed to the Settlement Administrator at the address on the Claim Form. The quickest way to submit a Claim Form is online. You can also object to the Settlement on or before **January 15, 2024**.

The Court will hold a Final Approval Hearing on **February 13, 2024**. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsel's application for attorneys' fees and costs and expenses, and the Service Awards. If there are objections, the Court will consider them. The Court may also allow objectors to speak at the hearing. You may attend the Hearing at your own expense, or you may also pay your own lawyer to attend, but it is not necessary.

This notice is a summary. The Settlement Agreement and more information about the lawsuit and Settlement are available at www.ECLSettlement.com or by calling toll-free **1-877-328-5803**.

Copyright © 2023 [REDACTED]
Our address is [REDACTED]

If you do not wish to receive future email, [click here](#).
(You can also send your request to **Customer Care** at the street address above.)

Attachment 3

[Click here](#) to view this message in a browser window.

If you are a physician or eyecare clinic who relied on ECL Group, LLC, and affiliated entities for record-keeping and related practice management support services, you could be entitled to a payment from a class action settlement.

A court has authorized this Notice. This is not a solicitation from a lawyer.

Unique ID: [REDACTED]

A settlement has been reached resolving class action lawsuits claiming that ECL Group, LLC, and affiliated entities (collectively, "ECL"), a record-keeping vendor for top-rated eye care clinics across the country, lost control over millions of patients' highly sensitive personal information for a period of months during a series of ransomware attacks (collectively, the "Data Breach"), and that ECL suffered service outages as a result of the ransomware attacks, which impacted eyecare physicians who relied on ECL for access to their patient data.

You are receiving this notice because you may be a member of the Physician Settlement Class. The Physician Settlement Class includes the iMedicWare Class, myCare Integrity Class, MVE Class, and Revenue Cycle Management Class. They are each described as follows:

- a) "iMedicWare Class" means all persons and entities who contracted with one or more Defendants for EMR management services using the iMedicWare software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons.
- b) "myCare Integrity Class" means all persons and entities who contracted with one or more Defendants—and received services from Integrity EMR, LLC and Integrity Holdings, LLC—for EMR management services using the myCare Integrity software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons.
- c) "MVE Class" means all persons and entities who contracted with one or more Defendants for EMR management services using the MVE software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons.
- d) "Revenue Cycle Management Class" means all persons and entities who contracted with one or more Defendants—and received services from Alta Billing, LLC and Alta Billing Holdings, LLC—for revenue cycle management services who have received delinquent revenue cycle services for any period of time since January 1, 2019 and/or whose transaction information was potentially compromised from ransomware attacks or any other reasons.

What does the Settlement Provide? Your patients, who are included in the Patient Settlement Class, have agreed to release any potential claims against members of the Physician Settlement Class related to the Data Breaches.

Members of the Physician Settlement Class can also file a Claim for a cash payment, with the amount of payment depending on the number of Valid Claims received. The claims will be paid from the "Physician Settlement Fund," which shall consist of at least \$1,460,449.50, to be funded by Defendants' insurance policies. If any additional funds become available through insurance coverage, those funds will be added into the Physician Settlement Fund, up to \$9,500,000, inclusive of the initial payments.

If you are a Physician Class Member who was under contract with ECL as of April 2023, you may also file a claim for billing credits with a total potential value of \$5,739,500.

Along with these benefits, Defendants have agreed to not collect, and cease all collection efforts related to, any unpaid invoice for a month in which there was a service outage as alleged in the Physician Settlement Class's Second Amended Complaint. Moreover, as a result of the settlement, you may terminate your contracts with Defendants without penalty and Defendants shall help provide you with data and provide reasonable efforts to assist with transition to a new provider.

Your Options. Every member of the Physician Settlement Class has the right to submit a Claim for a Settlement Benefit. Members of the Physician Settlement Class must file a timely and valid Claim Form for a billing Credit or a Cash Payment. Your Claim Form must be filed with the Settlement Administrator, postmarked or submitted online on or before **11:59 pm on March 14, 2024**. Claim Forms may be filed online at www.ECLSettlement.com or printed from the Settlement Website and mailed to the Settlement Administrator at the address on the Claim Form. The quickest way to submit a Claim Form is online. You can also object to the Settlement on or before **January 15, 2024**.

The Court will hold a Final Approval Hearing on **February 13, 2024**. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsel's application for attorneys' fees and costs and expenses, and the Service Awards. If there are objections, the Court will consider them. The Court may also allow objectors to speak at the hearing. You may attend the Hearing at your own expense, or you may also pay your own lawyer to attend, but it is not necessary.

This notice is a summary. The Settlement Agreement and more information about the lawsuit and Settlement are available at www.ECLSettlement.com or by calling toll-free **1-877-328-5803**.

AJ383 v.04

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Our address is [REDACTED]

If you do not wish to receive future email, [click here](#).
(You can also send your request to **Customer Care** at the street address above.)

Attachment 4

ECL Settlement Administrator
P.O. Box 2630
Portland, OR 97208-2630

Unique ID: [REDACTED]

If you are a physician or eyecare clinic who relied on ECL Group, LLC, and affiliated entities for record-keeping and related practice management support services, you could be entitled to a payment from a class action settlement.

*A court has authorized this Notice.
This is not a solicitation from a lawyer.*

A settlement has been reached resolving class action lawsuits claiming that ECL Group, LLC, and affiliated entities (collectively, "ECL"), a record-keeping vendor for top-rated eye care clinics across the country, lost control over millions of patients' highly sensitive personal information for a period of months during a series of ransomware attacks (collectively, the "Data Breach"), and that ECL suffered service outages as a result of the ransomware attacks, which impacted eyecare physicians who relied on ECL for access to their patient data.

[REDACTED]

You are receiving this notice because you may be a member of the Physician Settlement Class. The Physician Settlement Class includes the iMedicWare Class, myCare Integrity Class, MVE Class, and Revenue Cycle Management Class. They are each described as follows: a) "iMedicWare Class" means all persons and entities who contracted with one or more Defendants for EMR management services using the iMedicWare software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons. b) "myCare Integrity Class" means all persons and entities who contracted with one or more Defendants—and received services from Integrity EMR, LLC and Integrity Holdings, LLC—for EMR management services using the myCare Integrity software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons. c) "MVE Class" means all persons and entities who contracted with one or more Defendants for EMR management services using the MVE software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons. d) "Revenue Cycle Management Class" means all persons and entities who contracted with one or more Defendants—and received services from Alta Billing, LLC and Alta Billing Holdings, LLC—for revenue cycle management services who have received delinquent revenue cycle services for any period of time since January 1, 2019 and/or whose transaction information was potentially compromised from ransomware attacks or any other reasons.

What does the Settlement Provide? Your patients, who are included in the Patient Settlement Class, have agreed to release any potential claims against members of the Physician Settlement Class related to the Data Breaches. Members of the Physician Settlement Class can also file a Claim for a cash payment, with the amount of payment depending on the number of Valid Claims received. The claims will be paid from the "Physician Settlement Fund," which shall consist of at least \$1,460,449.50, to be funded by Defendants' insurance policies. If you are a Physician Class Member who was under contract with ECL as of April 2023, you may also file a claim for billing credits with a total potential value of \$5,739,500. Additional details about the Settlement and other settlement benefits to the Physician Settlement Class may be accessed here: www.ECLSettlement.com.

Your Options. Every member of the Physician Settlement Class has the right to submit a Claim for a Settlement Benefit. Members of the Physician Settlement Class must file a timely and valid Claim Form for a billing Credit or a Cash Payment. Your Claim Form must be filed postmarked or submitted online at www.ECLSettlement.com by **11:59 pm on March 14, 2024**. You can also object to the Settlement on or before **January 15, 2024**. The Court may extend this deadline and/or consider objections received after this date.

The Court will hold a Final Approval Hearing on **February 13, 2024**. The Court may change this date. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement. Class Counsel's application for attorneys' fees and costs and expenses, and the Service Awards. If there are objections, the Court will consider them. The Court may also allow objectors to speak at the hearing. You may attend the Hearing at your own expense, or you may also pay your own lawyer to attend, but it is not necessary. This notice is a summary. The Settlement Agreement and more information about the lawsuit and the Settlement are available at www.ECLSettlement.com or by calling toll-free 1-877-328-5803. AJ4872 v.05

Attachment 5

If you are a physician or eyecare clinic who relied on ECL Group, LLC, and affiliated entities for record-keeping and related practice management support services,

OR

If you were a patient of a physician or eyecare clinic associated with ECL, you could be entitled to a payment from a class action settlement.

A court has authorized this Notice. This is not a solicitation from a lawyer.

- A settlement has been reached resolving class action lawsuits claiming that ECL Group, LLC, and affiliated entities (collectively, “ECL”), a record-keeping vendor for top-rated eye care clinics across the country, lost control over millions of patients’ highly sensitive personal information for a period of months during a series of ransomware attacks (collectively, the “Data Breach”), and that ECL suffered service outages as a result of the ransomware attacks, which impacted eyecare physicians who relied on ECL for access to their patient data.
- **Patient Class Members** – If you are a Patient Class Member, you will be able to file a claim for documented out-of-pocket expenses incurred because of the Data Breach, up to \$5,000. Whether or not you have incurred out-of-pocket expenses, you can also file a Claim for a cash payment, with the amount of payment depending on the number of Valid Claims received. The claims will be paid from the “Patient Settlement Fund” of at least \$2,616,783, to be funded by Defendants’ insurance policies.
- **Physician Class Members** –Physician Class Members can file a Claim for a cash payment, with the amount of payment depending on the number of Valid Claims received. The claims will be paid from the “Physician Settlement Fund,” which shall consist of at least \$1,460,449.50, to be funded by Defendants’ insurance policies. If any additional funds become available through insurance coverage, those funds will be added into the Physician Settlement Fund, up to \$9,500,000, inclusive of the initial payments. If you are a Physician Class Member who was under contract with ECL as of April 2023, you can also file a claim for billing credits with a total potential value of \$5,739,500.

This Notice may affect your rights. Please read it carefully.

| Your Legal Rights and Options | | Deadline |
|-------------------------------|---|--------------------------|
| Submit a Claim Form | To get a settlement benefit, you must submit a timely and valid Claim Form. | March 14, 2024 |
| Object | Tell the Court why you do not like the Settlement. You will still be bound by the Settlement if the Court approves it. | January 15, 2024 |
| Go to a Hearing | If you are a Settlement Class Member <i>and</i> you file an Objection, you have the right, but are not required, to attend the Final Approval Hearing. You must state your intention to appear with your Objection. | February 13, 2024 |
| Do Nothing | Get no settlement benefit. Be bound by the Settlement. | |

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case must still decide whether to approve the Settlement and the requested attorneys’ fees, costs, and expenses. No settlement benefits or payments will be provided unless the Court approves the Settlement, and it becomes final.

Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

WHAT THIS NOTICE CONTAINS

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Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

BASIC INFORMATION

1. Why is this Notice being provided?

A court authorized this Notice because you have the right to know about the proposed Settlement of these class action lawsuits and about all of your rights and options before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuits, the Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get a settlement benefit.

The Honorable Catherine Eagles of the United States District Court for the Middle District of North Carolina is presiding over this class action. The two cases being settled are known as:

- Alliance Ophthalmology, PLLC; Dallas Retina Center, PLLC; Texas Eye and Cataract, PLLC; and Hofacre Optometric Corporation, on behalf of themselves and all others similarly situated, v. ECL Group, LLC; ECL Holdings, LLC; Eye Care Leaders Holdings, LLC; Eye Care Leaders Portfolio Holdings, LLC; Integrity EMR, LLC; Integrity EMR Holdings, LLC; Alta Billing, LLC; and Alta Billing Holdings, LLC; and,
- Kimberly Farley, Chad Forrester, and Kimberly Sandvig, on behalf of themselves and all others similarly situated, v. Eye Care Leaders Holdings.

The two cases are combined into a single Settlement (also sometimes referred to in this Notice as the “ECL Litigation”). The persons who filed the lawsuits are together called the “Settlement Classes,” which include the “Patient Settlement Class” and the “Physician Settlement Class.” The companies sued (ECL Group, LLC, ECL Holdings, LLC, Eye Care Leaders Holdings, LLC, Eye Care Leaders Portfolio Holdings, LLC, Integrity EMR, LLC, Integrity Holdings, LLC, Alta Billing, LLC, and Alta Billing Holdings, LLC) are called the “Defendants” or, as defined herein, “ECL.”

2. What is the ECL Litigation about?

The Patient Settlement Class claims that the Data Breach potentially exposed patients’ health information, including their names, birth dates, medical record numbers, health insurance information, Social Security numbers, and medical care information. The Patient Settlement Class alleges, among other things, that Defendants were negligent in the maintenance of data, which resulted in the Data Breach that potentially exposed the Patient Settlement Class’s personal health information and invaded their privacy. The Patient Settlement Class also alleges that ECL concealed the Data Breach from the public, including its customers and their patients. The Patient Settlement Class claims that it incurred damages as a result of Defendants’ actions.

The Physician Settlement Class claims that ECL concealed the Data Breach for weeks, misrepresented what truly happened, misrepresented when service would be restored (to encourage members of the Physician Settlement Class to not move to new service providers), overcharged them under their contracts, and refused to provide patient data after repeated demands. The Physician Settlement Class also alleges that Defendants breached their contracts, were negligent in the maintenance of data, committed fraud, defamed Physician Plaintiffs, and engaged in unfair and deceptive trade practices stemming from the Data Breach, which impacted the Physician Settlement Class’s practices and potentially exposed patient data. The Physician Settlement Class claims that it incurred damages as a result of Defendants’ actions.

The Patient Settlement Class’s and Physician Settlement Class’s operative complaints are both available at www.ECLSettlement.com.

Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

Defendants deny all claims asserted in the ECL Litigation, deny all allegations of wrongdoing and liability, and deny all other material allegations. By entering into the Settlement, the Defendants are not admitting any wrongdoing.

3. Why is the ECL Litigation a class action?

In a class action, plaintiffs (here, Alliance, DRC, TEC, and Hofacre for the Physician Settlement Class; and Kimberly Farley, Chad Forrester, Kimberly Sandvig, Detrina Solomon, and Jeanne Byers for the Patient Settlement Class,) sue on behalf of all people who have similar claims. Together, all these people are called a Settlement Class or Settlement Class Members. One court resolves the issues for all Settlement Class Members.

4. Why is there a Settlement?

The Settlement Classes and Defendants do not agree about the legal claims asserted in the ECL Litigation. The Court has not decided in favor of the Settlement Classes or the Defendants. Instead, the Settlement Classes and Defendants have agreed to settle the ECL Litigation. The Settlement Classes and their attorneys (“Class Counsel”) believe the Settlement is in the best interests of the members of the Settlement Classes because of the benefits of the Settlement and the risks and uncertainty associated with continued litigation.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

You are included in the Settlement if you fall within the following definitions:

The “**Patient Settlement Class**” means all individuals residing in the United States whose Personally Identifiable Information or Protected Health Information was compromised in the Data Breach affecting one or more Defendants, including all persons who received notice about the Data Breach.

The “**Physician Settlement Class**” includes the iMedicWare Class, myCare Integrity Class, MVE Class, and Revenue Cycle Management Class. They are each described as follows:

- (a) “iMedicWare Class” means all persons and entities who contracted with one or more Defendants for EMR management services using the iMedicWare software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons.
- (b) “myCare Integrity Class” means all persons and entities who contracted with one or more Defendants—and received services from Integrity EMR, LLC and Integrity Holdings, LLC—for EMR management services using the myCare Integrity software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons.
- (c) “MVE Class” means all persons and entities who contracted with one or more Defendants for EMR management services using the MVE software, and who have suffered Outages for any period of time since January 1, 2019, due to ransomware attacks or any other reasons.
- (d) “Revenue Cycle Management Class” means all persons and entities who contracted with one or more Defendants—and received services from Alta Billing, LLC and Alta Billing Holdings, LLC—for revenue cycle management services who have received delinquent revenue cycle services for any period of time since January 1, 2019 and/or whose transaction information was potentially compromised from ransomware attacks or any other reasons.

Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

6. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a member of the Settlement Classes, you may go to the Settlement Website at www.ECLSettlement.com or call the Settlement Administrator's toll-free telephone number at 1-877-328-5803. You may also contact Class Counsel listed in Question 17 below.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

If final approval of the settlement is granted, two settlement funds will be created, both funded by the Defendants' insurance policies.

Patient Settlement Class - A "Patient Settlement Fund" of at least \$2,616,783 will be funded. Members of the Patient Settlement Class will be able to file claims for documented out-of-pocket expenses incurred because of the Data Breach up to \$5,000. Members of the Patient Settlement Class may also file a Claim for a pro rata (equal share) cash payment, with the amount to be paid depending on the number of Valid Claims received.

Physician Settlement - Patient Class Members have agreed to release any potential claims against members of the Physician Settlement Class related to the Data Breach.

A "Physician Settlement Fund" of at least \$1,460,449.50 will also be funded. Defendants will deposit any additional funds that become available through insurance coverage into the Physician Settlement Fund, up to \$9,500,000, inclusive of the initial payments.

In addition to the Settlement Funds, Defendants will provide billing credits with a total potential value of \$5,739,500 to eligible members of the Physician Settlement Class, as described in the next section.

Along with these benefits, Defendants have agreed to not collect, and cease all collection efforts related to, any unpaid invoice for a month in which there was a service outage as alleged in the Physician Settlement Class's Second Amended Complaint.

Moreover, as a result of the settlement, members of the Physician Settlement Class may terminate their contracts with Defendants without penalty and Defendants shall help provide them with data and provide reasonable efforts to assist with transition to a new provider.

8. How do the billing credits for the Physician Settlement Class work?

Billing credits are available as follows:

myCare Integrity Class: Defendants will provide a \$3,500 credit for each member of the myCare Integrity Class who 1) did not previously receive a credit of equal or greater value, and 2) held a full-time physician license with Defendants at any point in April and May 2023. Defendants will further provide a \$1,750 credit to each member of the myCare Integrity class who 1) did not previously receive a credit of equal or greater value, and 2) held a part-time physician license with Defendants at any point in April and May 2023. The amount of credit owed to each member will be offset, dollar-for-dollar, by any credits that have already been provided in connection with the Data Breach. The potential value of these credits is \$3,006,500. Defendants will provide these credits to each Claimant within one year of the date the Settlement Administrator determines that it has a Valid Claim.

iMedicWare Class: Defendants will provide a \$1,000 credit for each member of the iMedicWare Class who 1) did not previously receive a credit of equal or greater value, and 2) held a full-time physician license with Defendants at any point in April and May 2023. Defendants will further provide a \$500 credit to each member of the iMedicWare class who 1) did not previously receive a

Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

credit of equal or greater value, and 2) held a part-time physician license with Defendants at any point in April and May 2023. The amount of credit owed to each member will be offset, dollar-for-dollar, by any credits that have already been provided in connection with the Data Breach. The potential value of these credits is \$1,714,500. Defendants will provide these credits to each Claimant within one year of the date the Settlement Administrator determines that it has a Valid Claim.

MyVisionExpress Class: Defendants will provide a \$350 credit for each member of the MyVisionExpress Class who 1) did not previously receive a credit of equal or greater value, and 2) held a full-time physician license with Defendants at any point in April and May 2023. Defendants will further provide \$175 credit to each member of the MyVisionExpress class who 1) did not previously receive a credit of equal or greater value, and 2) held a part-time physician license with Defendants at any point in April and May 2023, at an amount proportional to that of the full-time physician licensees. The amount of credit owed to each member will be offset, dollar-for-dollar, by any credits that have already been provided in connection with the Data Breach. The potential value of these credits is \$1,018,500. Defendants will provide these credits to each Claimant within one year of the date the Settlement Administrator determines that it has a Valid Claim.

The billing credits are *not* available if:

- **you are a Patient Class Member;**
- **you are exclusively a member of the Revenue Cycle Management Class ;**
- **if your contract(s) with one of the Defendants was terminated before April 2023; or**
- **Defendants have already provided you a billing credit in an amount that exceeds the amount of the available credit under the Settlement, as described above.**

9. How will payments to Claimants be determined?

Valid Claims will be paid as follows:

Patient Settlement Class. At the conclusion of the claims period, the Patient Settlement Fund (after deducting its share of Administration Expenses, Class Service Awards, and Attorneys' Fees) shall be paid to members of the Patient Settlement Class who submit a Valid Claim for out-of-pocket expenses up to \$5,000 with the remainder divided equally between all valid claimants of the Patient Settlement Class. The Claims Administrator will make the final determination about the validity of any claim.

Physician Settlement Class. At the conclusion of the Claims Period, the Physician Settlement Fund (after deducting its share of Administration Expenses, Class Service Awards, and Attorneys' Fees) will be divided equally between all valid claimants of the Physician Settlement Class. The Claims Administrator will make the final determination about the validity of any claim.

10. What are the Released Claims?

In short, (1) members of the Patient Settlement Class release any potential claim against Defendants or members of the Physician Settlement Class related to the Data Breach, and (2) members of the Physician Settlement Class release any potential claim against Defendants related to the Data Breach. The Patient Settlement Class and Physician Settlement Class do not release any claims unrelated to the Data Breach or ECL Litigation.

The Settlement Agreement in Sections 2.3, 2.31, 2.32, and 7.1-7.6 describes the Release, Released Claims, and Released Parties in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at www.ECLSettlement.com or in the public Court records on file in the ECL Litigation. For questions regarding the Releases or Released Class Claims and what the language in the Settlement Agreement means, you can also contact one of the lawyers listed in Question 17 of this Notice for free, or you can talk to your own lawyer at your own expense.

Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

HOW TO GET BENEFITS FROM THE SETTLEMENT

11. How do I make a claim for a settlement benefit?

Every member of the Settlement Classes has the right to submit a Claim for a Settlement Benefit.

Patient Settlement Class – members must file a timely and valid Claim for out-of-pocket reimbursement or a Cash Payment.

Physician Settlement Class – members must file a timely and valid Claim Form for a billing Credit or a Cash Payment.

Your Claim Form must be filed with the Settlement Administrator, **postmarked or submitted online on or before 11:59 pm on March 14, 2024**. Claim Forms may be filed online at www.ECLSettlement.com or printed from the Settlement Website and mailed to the Settlement Administrator at the address on the Claim Form. The quickest way to submit a Claim Form is online. Claim Forms are also available by calling 1-877-328-5803 or by writing to:

ECL Settlement Administrator
PO Box 2630
Portland, OR 97208-2630

No claims may be submitted as a group, aggregate, or on behalf of a class of persons. However, members of the Physician Settlement Class who are in the same practice with multiple licensees may submit a claim as a group since the credits will be applied on a per-license basis, while the distribution from the settlement fund will be on a per-practice basis.

12. What happens if my contact information changes after I submit a claim?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Settlement Administrator of your updated information. You may notify the Settlement Administrator of any changes through the Settlement Website or by email to address-update@ECLSettlement.com. You may also call 1-877-328-5803.

13. When will I receive my settlement benefit?

If you file a timely and valid Claim Form for a Cash Payment, payment will be provided by the Settlement Administrator after the Settlement is approved by the Court and becomes final. If you are a member of the Physician Settlement Class and file a Claim for a billing credit, Defendants will provide these credits to each Claimant within one year of the Settlement Administrator determining that the claim is valid.

It may take time for the Settlement to be approved and become final. Please be patient and check www.ECLSettlement.com for updates.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in this case?

Yes, the Court has appointed Russ Ferguson, Matthew Tilley, and Patrick Spaugh of Womble Bond Dickinson (US) LLP as counsel for the Physician Settlement Class (“Physician Class Counsel”). And the Court has appointed Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC, Jean S. Martin of Morgan & Morgan Complex Litigation Group and Gary E. Mason of Mason LLP as counsel for the Patient Settlement Class (“Patient Class Counsel”). The Physician Class Counsel and

Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

Patient Class Counsel (together, “Class Counsel”) represent you and the Settlement Classes for the purposes of this Settlement. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you in the ECL Litigation.

15. How will Class Counsel be paid?

Physician Class Counsel will submit to the Court an application seeking a Fee Award of no more than 33% of the Physician Settlement Fund, to which Defendants will not object, and Patient Class Counsel will submit to the Court an application seeking a Fee Award of no more than 33% of the Patient Settlement Fund, to which Defendants will not object.

Class Counsel will also request that the Court approve “Class Service Awards,” which are Court-approved awards to specific members of the Settlement Classes, including the named plaintiffs, for their efforts in bringing the claims at issue in the ECL Litigation and achieving the benefits of this Settlement on behalf of the Settlement Classes. For the Physician Settlement Class, the requested service awards are \$40,000 each to Alliance, DRC, and TEC, \$20,000 to Hofacre, and \$10,000 each to Shulkin Eye Associates, Gorden Eye Associates PA, Regional Eye Associates, Inc., Eye Associates, LLC, and SurgiCenter of Vineland Holdings, LLC, payable from the Physician Class Settlement Fund. For the Patient Settlement Class, the requested service award is \$1,000 each to Plaintiffs Kimberly Farley, Chad Forrester, Kimberly Sandvig, Detrina Solomon, and Jeanne Byers.

If awarded by the Court, attorneys’ fees and costs and expenses, and the Service Award will be paid out of the respective Settlement Funds. The Court may award less than these amounts.

16. Can I request to get out of the Settlement Class?

No. Because insurance proceeds are Defendants’ only assets available to satisfy the claims of all the members of the Settlement Classes and the alleged damages exceed the available insurance proceeds, the Court certified the Settlement Classes under Rule 23(b)(1)(B). That rule allows for certification of a class when there is a limited fund available to satisfy all claims. As a result, under Rule 23(b)(1)(B), class members cannot “opt out” or request exclusion from the Settlement Classes because doing so would jeopardize the fair and equitable distribution of the limited fund available.

Practically, this means that the Settlement and the Release of claims applies to everyone who is a member of the Settlement Classes and you cannot request to be excluded to maintain your right to file a lawsuit or bring action against Defendants for claims related to the Data Breach. You can, however, object to the Settlement if you choose to do so (see Question 17 below).

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court that I do not like the Settlement?

If you are a Class Member you can (on your own or through an attorney hired at your expense) object to the terms of the Settlement. Your Objection must be submitted to the Settlement Administrator with a copy to Class Counsel and Defendants’ counsel **postmarked no later than January 15, 2024**. To be effective, any such Objection must be in writing and include the contents described below:

- A reference at the beginning of your objection to the names of the cases covered in the Settlement (listed in Question 1 above);
- Your name, address, telephone number, and, if available, your email address, and if represented by counsel, of your counsel;
- A written statement of all grounds for your Objection, accompanied by any legal support for such Objection;

Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

- Whether you intend to appear at the Final Approval Hearing, either with or without counsel;
- A statement of your membership in the Physician Settlement Class or Patient Settlement Class, including all information required by the Claim Form;
- A detailed list of any other objections submitted by you, or your counsel, to any class actions submitted in any court, whether state or otherwise, in the United States in the previous 5 years. If you or your counsel has not objected to any other class action settlement in any court in the United States in the previous 5 years, you must affirmatively state so in the written materials provided in connection with your Objection to this Settlement; and
- Your signature and the signature of your duly authorized attorney (if you have one) or other duly authorized representative (along with documentation setting forth such representation).

Any Class Member who fails to timely submit a written Objection containing all of the information listed above, including notice of his/her/its intent to appear at the Final Approval Hearing, will not be permitted to object to the Settlement and will be foreclosed from seeking any review of the Settlement or the terms of the Agreement by any means, including, but not limited to, an appeal.

Any Class Member who submits a timely written Objection will consent to deposition at the request of Class Counsel or Defendants' counsel, to occur at least 5 days prior to the Final Approval Hearing.

The failure of the Class Member to comply with the filing requirements above will be grounds for striking and/or overruling the Objection.

If you file an Objection, you will not be entitled to an extension to the Claim Form Deadline merely because you have also submitted an Objection.

Your written Objection must be sent to the Settlement Administrator with a copy to Class Counsel and Defendants' counsel **postmarked no later than January 15, 2024**. The addresses to send your objection to are as follows:

| Settlement Administrator | Class Counsel |
|--|--|
| ECL Settlement Administrator PO Box 2630 Portland, OR 97208-2630 | <p><u>Patient Settlement Class:</u> Jean Martin; Morgan & Morgan Complex Litigation Group 201 N. Franklin St., 7th Floor Tampa, FL 33602</p> <p>Gary M. Klinger; Milberg Coleman Bryson Phillips Grossman, PLLC 227 W. Monroe St., Suite 2100 Chicago, IL 60606</p> <p>Gary E. Mason; Mason LLP 5335 Wisconsin Ave., NW, Suite 640 Washington, D.C. 20015</p> |
| Defendants' Counsel | |
| Matthew Leerberg & Kristen Broz Fox Rothschild LLP 434 Fayetteville St., Suite 2800 Raleigh, NC 27601 | <p><u>Physician Settlement Class:</u> Russ Ferguson, Matthew Tilley & Patrick Spaugh Womble Bond Dickinson LLP One Wells Fargo Center, Suite 3500 301 South College Street Charlotte, NC 28202</p> |

THE FINAL APPROVAL HEARING

Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

18. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing on **February 13, 2024** before the Honorable Catherine Eagles, at the L. Richardson Preyer Courthouse for the United States District Court for the Middle District of North Carolina, located at 324 W. Market Street, Greensboro, NC 27401-2544.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsel's application for attorneys' fees and costs and expenses, and the Service Awards. If there are objections, the Court will consider them. The Court may also allow objectors to speak at the hearing.

Note: The date and time of the Final Approval Hearing are subject to change. The Court may also decide to hold the hearing via Zoom or by phone. Any change will be posted on the Settlement Website at www.ECLSettlement.com.

19. Do I have to attend the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. If you send an objection, you do not have to come to Court to speak about it. As long as you file or mail your written objection on time, the Court will consider it.

20. May I speak at the Final Approval Hearing?

Yes, **if approved by the Court**. If you submitted a proper and timely written objection to the Settlement, you or your lawyer acting on your behalf may request to speak at the Final Approval Hearing. To do so, your objection must specify that you intend to appear at the Final Approval Hearing. **The Court will determine who, if anyone, is allowed to speak at the Final Approval Hearing based upon these requests.** For more information, please review the procedures set out in FAQ 17.

IF YOU DO NOTHING

21. What happens if I do nothing at all?

If you are a member of the Patient Settlement Class and you do nothing, you will not receive a settlement benefit.

If you are a member of the Physician Settlement Class and you do nothing, you will receive the benefit of the release by the Patient Settlement Class, the cessation of collection efforts by Defendants as outlined above, and the ability to terminate contracts with Defendants without any penalty and to receive assistance in transitioning to a new vendor.

Whether you do anything or not, the Settlement still will resolve all of the allegations in the Complaints and release all claims you may have against the Released Persons (including the Defendants) regarding the Released Class Claims in the ECL Litigation.

Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

GETTING MORE INFORMATION

22. How do I get more information?

This Notice summarizes the Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.ECLSettlement.com, by calling 1-877-328-5803 or by writing to:

ECL Settlement Administrator
PO Box 2630
Portland, OR 97208-2630

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT'S CLERK OFFICE
REGARDING THIS NOTICE.**

Questions? Go to www.ECLSettlement.com or call 1-877-328-5803.

Attachment 6

**Must be postmarked
or submitted online
NO LATER THAN
March 14, 2024.**

**ECL SETTLEMENT ADMINISTRATOR
P.O. BOX 2630
PORTLAND, OR 97208-2630
www.ECLSettlement.com**

ECL PATIENT SETTLEMENT CLASS CLAIM FORM

STEP 1 – INFORMATION AND DIRECTIONS

SETTLEMENT BENEFITS – WHAT YOU MAY GET

IMPORTANT NOTE: You must complete and submit this Claim Form by **March 14, 2024**, to receive payment. To complete this Claim Form, read the instructions below in Step 1; truthfully provide the requested information in Step 2; optionally complete out-of-pocket losses if you have qualifying covered losses in Step 3; read how payment will be issued in Step 4; sign the certification in Step 5; and submit the Claim Form using one of the methods stated in Step 6.

Each Settlement Class Member is entitled to submit only one Claim Form.

The easiest way to submit a claim is online at **www.ECLSettlement.com**, or you can complete and mail this claim form to the mailing address above.

You may submit a claim for one or more of these benefits:

Cash Reimbursement. Use the claim form to request money for one or more of the following:

1. **Pro Rata Share of the available Patient Fund.** You will receive an equal share of the fund available for all patients who submit a valid claim.
2. **Reimbursement for Money You Spent.** If you spent unreimbursed money trying to avoid or recover from fraud or identity theft that you believe is fairly traceable to the ECL data breach (out-of-pocket losses), you can be reimbursed up to \$5,000. You must submit documents supporting your claim.

* * *

Claims must be submitted online or mailed by March 14, 2024. Use the address at the top of this form for mailed claims.

Please note: the settlement administrator may contact you to request additional documents to process your claim. Your share of the available Patient Settlement Fund will depend on the number of claims filed.

For more information and complete instructions visit www.ECLSettlement.com.

Please note that Settlement benefits will be distributed after the Settlement is approved by the Court and becomes final.

STEP 2 – CLAIMANT INFORMATION

1. NAME (REQUIRED)

[illegible]

9

[illegible]

2. MAILING ADDRESS (REQUIRED)

[illegible][illegible][illegible]

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3. PHONE NUMBER:

−−

4. EMAIL ADDRESS:

[illegible]

5. UNIQUE ID:

[illegible]

Filing out this section and the Certification in Section 5 will qualify you for a pro rata cash payment from the Settlement Fund.

STEP 3 – OPTIONAL CASH PAYMENT FOR OUT-OF-POCKET LOSSES

If you lost or spent money trying to prevent or recover from fraud or identity theft that you believe is fairly traceable to the **ECL data breach** and have not been reimbursed for that money (Out-of-Pocket Losses), you can receive reimbursement for up to \$5,000 total. Eligible Out-of-Pocket Losses include those incurred on or after March 1, 2021 up to the date of filing your claim.

It is important for you to send documents that show what happened and how much you lost or spent, so that you can be reimbursed.

To look up more details about how cash payments work, visit **www.ECLSettlement.com** or call toll-free **1-877-328-5803**. You will find more information about the types of costs and losses that can be paid back to you, what documents you need to attach, and how the Settlement Administrator decides whether to approve your payment. *By filling out the boxes below, you are certifying that the money you spent doesn't relate to other data breaches.*

| Loss Type and Examples of Documents | Amount and Date | Description of Loss or Money Spent and Supporting Documents (Identify what you are attaching, and why it's related to the breach) |
|--|--|--|
| <p>Costs related to credit monitoring purchases/freezing/unfreezing between March 1, 2021, and March 14, 2024.</p> <p><i>Examples: Receipts, notices, or account statements reflecting payment for a credit freeze</i></p> | <p>\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> • <input type="text"/> <input type="text"/></p> <p><input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>MM DD YYYY</p> | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
| <p>Costs, expenses, and losses due to identity theft, fraud, or misuse of your personal information on or after March 1, 2021 and fairly traceable to the ECL Settlement breach.</p> <p><i>Examples: Account statement with unauthorized charges circled; police report; IRS document; FTC Identity Theft Report; letter refusing to refund fraudulent charges; receipt for your credit monitoring services purchase</i></p> | <p>\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> • <input type="text"/> <input type="text"/></p> <p><input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>MM DD YYYY</p> | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
| <p>Other expenses such as notary, fax, postage, copying, mileage, long-distance telephone charges, or professional fees related to the ECL Settlement breach.</p> <p><i>Examples: Phone bills, receipts, detailed list of addresses you traveled (i.e. police station, IRS office), reason why you traveled there (i.e. police report or letter from IRS re: falsified tax return) and number of miles you traveled</i></p> | <p>\$ <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> • <input type="text"/> <input type="text"/></p> <p><input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>MM DD YYYY</p> | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |

STEP 4 - HOW YOU WILL RECEIVE YOUR PAYMENT

If you made a claim for payment on this Claim Form, and if your claim and the settlement are finally approved, an email will be sent to the email address you provided on this Claim Form, prompting you to elect your method of payment. Popular electronic payment options will be available, or you can elect a check. Please ensure you have provided a current and complete email address. If you do not provide a current and valid email address, the claims administrator may attempt to send you a check relying on your physical address on file.

STEP 5 - CERTIFICATION

I hereby certify that:

1. The information I have supplied in this claim form and any copies of documents that I am sending to support my claim are true and correct to the best of my knowledge.
2. I have read and understand the Claim Form;
3. I believe in good faith that I am a member of the Settlement Class because I (i) am a patient of one of a member of the Physician Settlement Class, or (ii) had a contract with Defendants as identified under the Physician Settlement Class definitions;
4. I have neither assigned any right to recover this Benefit to any other party nor been reimbursed in whole by a third-party for any damages related to the allegations at issue in the ECL Class Actions
5. I understand that I may be asked to provide more information by the Settlement Administrator before my claim is complete.

Signature

Date: - -
MM DD YYYY

Print Name

STEP 6 - METHODS OF SUBMISSION

Please complete the Claim Form above and return it by one of the following methods:

1. Online by visiting www.ECLSettlement.com and completing an online Claim Form no later than March 14, 2024; OR
2. By emailing the completed Claim Form to patient-claims@ECLSettlement.com no later than March 14, 2024; OR
3. By mailing via U.S. mail a completed and signed Claim Form to the Settlement Administrator, postmarked no later than March 14, 2024, and addressed to:

Settlement Administrator
P.O. Box 2630
Portland, OR 97208-2630

Attachment 7

Must be postmarked or
submitted online
NO LATER THAN
March 14, 2024

ECL SETTLEMENT ADMINISTRATOR
P.O. Box 2630
Portland, OR 97208-2630
www.ECLSettlement.com

ECL PHYSICIAN SETTLEMENT CLASS CLAIM FORM

STEP 1 – INFORMATION AND DIRECTIONS

PHYSICIAN SETTLEMENT CLASS BENEFITS – WHAT YOU MAY GET

IMPORTANT NOTE: You must complete and submit this Claim Form by **March 14, 2024**, to receive a benefit. To complete this Claim Form, read the instructions below in Step 1; truthfully provide the requested information in Step 2; read how payment will be issued in Step 3; sign the certification in Step 4; and submit the Claim Form using one of the methods stated in Step 5.

Each Physician Settlement Class Member is entitled to submit only one Claim Form.

The easiest way to submit a Claim is online at www.ECLSettlement.com, or you can complete and mail this Claim Form to the mailing address above.

You may submit a Claim for any benefits for which you are eligible.

Cash Payment and Billing Credits. Use this Claim Form to request one or more of the following:

1. **Pro Rata Share of the available Physician Settlement Fund.** All Physician Settlement Class Members are eligible to claim this benefit. If your Claim is approved, you will receive a cash payment consisting of an equal share of the fund available for all Physician Settlement Class Members who submit a valid Claim.
2. **Billing Credits.** If you are a member of the myCare Integrity Class, the iMedicWare Class, or the MyVisionExpress Class, you may be eligible to claim certain billing credits. The billing credits are not cash payments.

* * *

Claims must be submitted online or mailed by March 14, 2024. Use the address at the top of this form for mailed claims.

Please note: The Settlement Administrator may contact you to request additional documents to process your Claim. Your pro rata share of the available Physician Settlement Fund will depend on the number of claims filed.

For more information and complete instructions visit **www.ECLSettlement.com**.

Please note that Settlement benefits will be distributed after the Settlement is approved by the Court and becomes final.

STEP 3: HOW YOU WILL RECEIVE YOUR PAYMENT

If you made a claim for a cash payment on this Claim Form, and if your claim and the Settlement are finally approved, an email will be sent to the email address you provided on this Claim Form, prompting you to elect your method of payment. Popular electronic payment options will be available, or you can elect a check. Please ensure you have provided a current and complete email address. If you do not provide a current and valid email address, the Settlement Administrator may attempt to send you a check relying on your physical address on file.

STEP 4: CERTIFICATION

I hereby certify that:

1. The information I have supplied in this Claim Form and any copies of documents that I am sending to support my claim are true and correct to the best of my knowledge.
2. I have read and understand the Claim Form.
3. I believe in good faith that I am a member of the Physician Settlement Class because I had a contract with Defendants as identified under the Physician Settlement Class definitions.
4. I have neither assigned any right to recover this benefit to any other party nor been reimbursed in whole by a third-party for any damages related to the allegations at issue in the ECL Class Actions.
5. I understand that I may be asked to provide more information by the Settlement Administrator before my claim is complete.

Signature

Date: - -
MM DD YYYY

Print Name

STEP 5: METHODS OF SUBMISSION

Please complete the Claim Form above and return it by one of the following methods:

1. Visit www.ECLSettlement.com and complete an online Claim Form no later than March 14, 2024; OR
2. Email the completed Claim Form to physician-claims@ECLSettlement.com no later than March 14, 2024; OR
3. Mail the completed and signed Claim Form via U.S. Mail to the Settlement Administrator, postmarked no later than March 14, 2024, and addressed to:

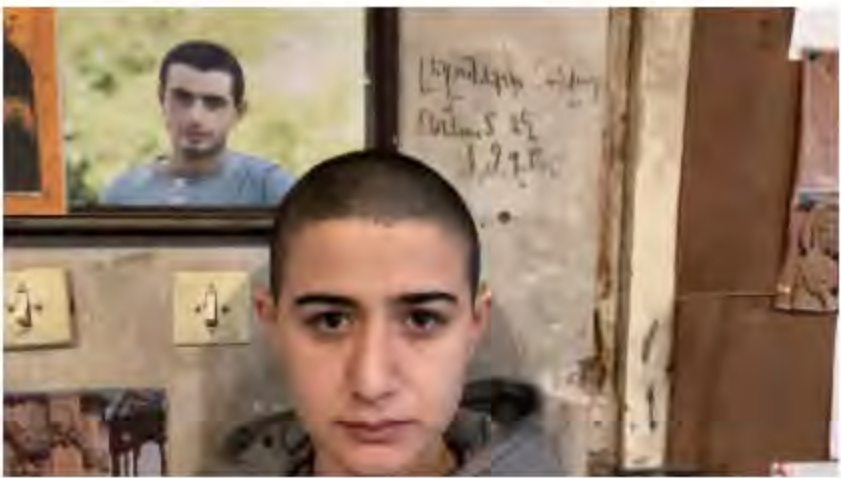
ECL Settlement Administrator
P.O. Box 2630
Portland, OR 97208-2630

Attachment 8



GOT A TIP?

LATEST MOVIE NEWS



MOVIE NEWS 6 HOURS
AGO

War
Documentary
'1489' Wins Best
Film at IDFA

Armenian war documentary 1489, from director Shoghakat Vardanyan, has won the top prize for best film at the International Documentary Festival Amsterdam (IDFA). The prize comes with a 15,000 euro (\$16,000) cash bursary. In the film, Vardanyan records her and her family's efforts to find out what happened to her brother, Soghomon, a 21-year-old student [...]

BY SCOTT ROXBOROUGH



MOVIE NEWS 12
HOURS
AGO

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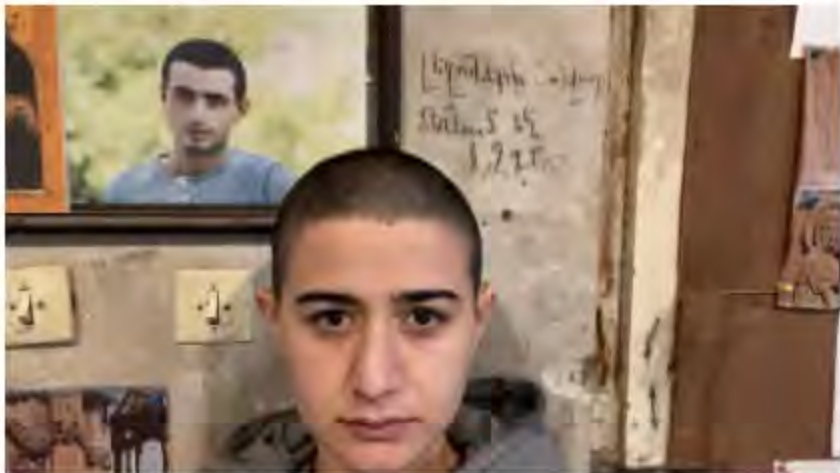


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'1489' Wins Best
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Armenian war documentary 1489, from director Shoghakat Vardanyan, has won the top prize for best film at the International Documentary Festival Amsterdam (IDFA). The prize comes with a 15,000 euro (\$16,000) cash bursary. In the film, Vardanyan records her and her family's efforts to find out what happened to her brother, Soghomon, a 21-year-old student [...]

BY SCOTT ROXBOROUGH



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If you had to pick one: ‘Barbie’ or ‘Oppie’?



Cillian Murphy plays J. Robert Oppenheimer in “Oppenheimer.” (Universal Pictures)

BY GLENN WHIPP | COLUMNIST

NOV. 17, 2023 6 AM PT



We’re a few days from Thanksgiving — this newsletter will be off next week, mired in a food coma brought on by fat turkey and cranberry sauce. And studios and streamers are

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8:59 AM



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Wind Gusts 8 mph

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TODAY
11/17



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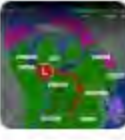
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COLUMBUS BUSINESS FIRST

Ohio State spinoff raises \$6M for a better bifocal contact lens

by: Carrie Ghose | Columbus Business First
 Posted: Nov 16, 2023 / 03:20 PM EST
 Updated: Nov 16, 2023 / 03:23 PM EST



Image: Lentechs LLC

Robin Sears, CEO of Lentechs. | Lentechs LLC

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An Ohio State University spinoff has raised \$6 million to advance development of its bifocal and multifocal contact lenses that the company says perform as well as eyeglasses – and better than existing contacts.

Lentechs LLC will use the proceeds for completing its methods for mass production and additional clinical trials to test performance of its Apioc lens against multifocal lenses made by the four eyecare giants, CEO Robin Sears said. And then the startup likely will have to raise another round for its commercial launch.

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“We understand wholeheartedly, the big companies will try to prevent us from gaining any market share,” Sears said. “They will be formidable opponents in the marketplace – they have a long

history of leadership. There is such a huge upstart here in the form of these upstarts

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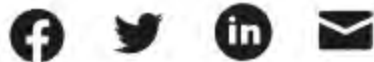
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Image: Lentechs LLC

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“We understand wholeheartedly, the big companies will try to prevent us from gaining any market share,” Sears said. “They will be formidable opponents in the marketplace – they have a long history of leadership. There is such a huge unmet need in the doctors’ offices for these patients with presbyopia. That allows us to drive a wedge into the market.”

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What to watch in golf this week: Vu's victory and Harman's homecoming

Lilia Vu topped Celine Boutier in the LPGA's season-long points race with a win at The Annika last week, while Open Championship winner Brian Harman is among several PGA Tour players looking forward to the tournament in St. Simons Island, Georgia.

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Well, this is awkward: McIlroy shot lands on fan

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President Biden signs stopgap bill to avert government shutdown

President Joe Biden, in San Francisco, signed a stopgap bill to avert a government shutdown. But a new spending battle looms in early 2024.

POLITICS 8:54 a.m. ET Nov. 17

**LIVE**

Body of Israeli abducted in Hamas' brutal rampage found near Gaza hospital

ISRAEL-HAMAS WAR 10:56 p.m. ET Nov. 16



A game with no winners? Bengals, Ravens both dealt serious setbacks

NATE DAVIS 3:30 a.m. ET Nov. 17



Who pays for police misconduct? Cities spend millions on settlements

Though multimillion settlements often make headlines, departments and individual officers feel very little financial impact of alleged misconduct.

NATION 5:06 a.m. ET Nov. 17



Honked off: Is beeping your car protected by the First Amendment?

When Susan Porter was pulled over and given a ticket for using her horn to support protesters, her first response was shock: "There's a law for that?"

POLITICS 5:06 a.m. ET Nov. 17



Fox Sports host made up sideline reports. This is a firing offense

Fox Sports' and Amazon Prime's Charissa Thompson says she fabricated sideline reports. This is a part of a larger problem about trust in the media.

NFL 8:01 a.m. ET Nov. 17



Latin Grammys 2023 full winners list, including Karol G and Shakira

Karol G and Shakira won big at the 2023 Latin Grammys Thursday, with the singers taking home the prizes for album and song of the year, respectively.

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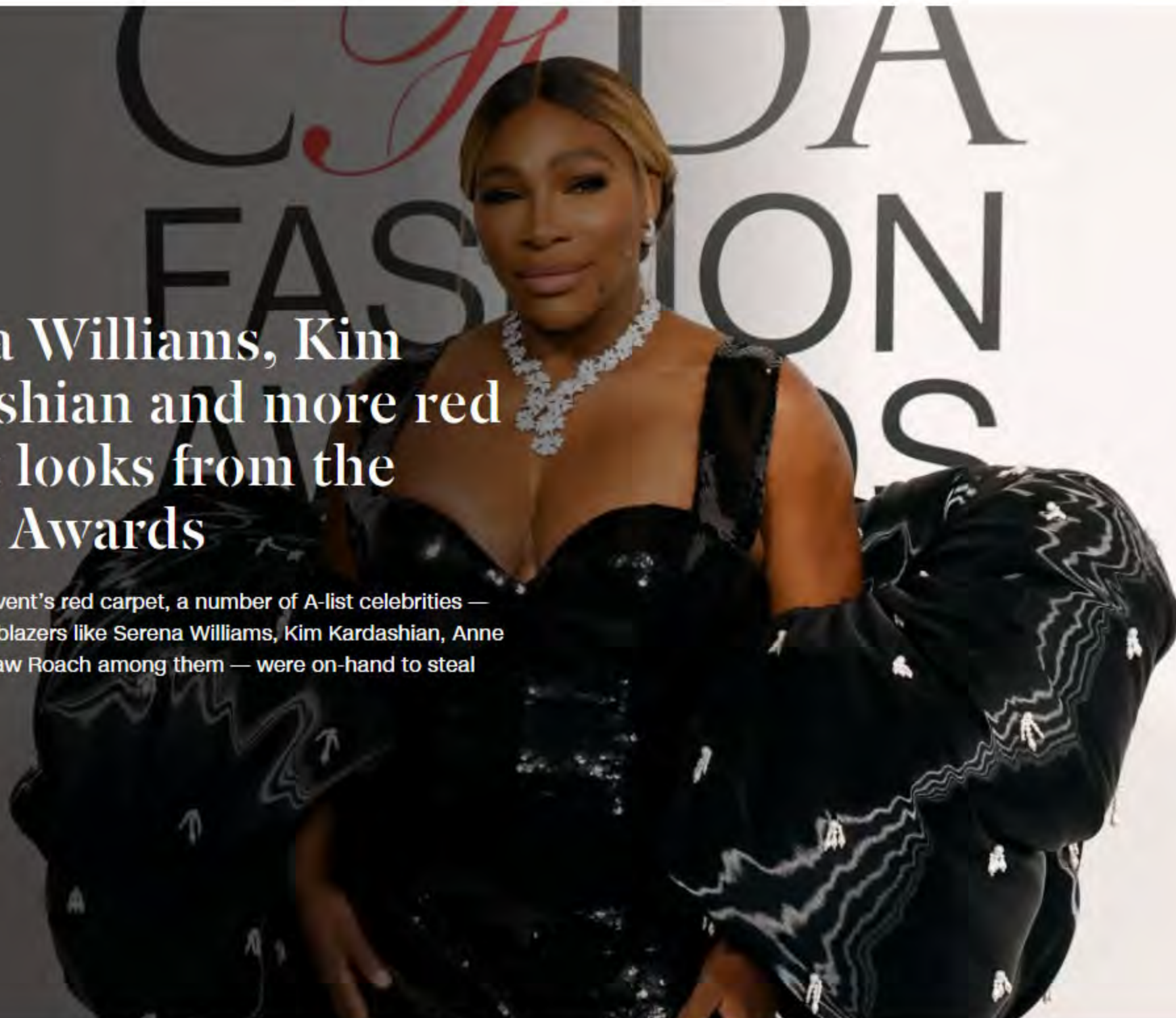
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Fashion

EDITOR'S PICK

Serena Williams, Kim Kardashian and more red carpet looks from the CFDA Awards

On the fashion event's red carpet, a number of A-list celebrities — with fashion trailblazers like Serena Williams, Kim Kardashian, Anne Hathaway and Law Roach among them — were on-hand to steal the show.



Taylor Hill/FilmMagic/Getty Images

THE LATEST IN FASHION



Prince's iconic white, ruffled 'Purple Rain' shirt is





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